



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 28.06.2022

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

Crl. A. (MD)No.379 of 2022

Vigneshwaran @ Vikki @ Viknesh

... Appellant/Petitioner/Sole Accused

Vs.

1.The State Represented by
The Deputy Superintendent of Police,
Lalgudi Sub-Division,
Trichy District.

2.The Inspector of Police,
Kollidam Police Station,
Trichy District. ... Respondents/Complainant

3.R.Vinoth ... Respondent/De-facto Complainant

Prayer : This Criminal Appeal is filed under Section 14(A) (2) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act, to set aside the order passed by the learned I Additional District and Sessions Court (PCR), Trichy, Trichy District in Crl.M.P.No.2219/2022, dated 08.05.2022 and to enlarge the appellant on bail in Crime No.96 of 2022 on the file of the second respondent police.

For Appellant : Mr.M.Pitchai Muthu

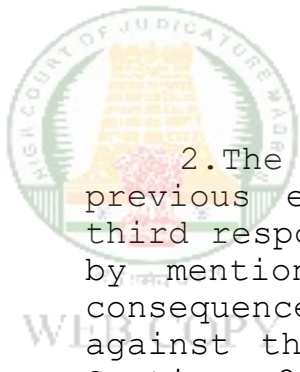
For R1 and 2 : Mr.B.Nambi Selvan
Additional Public Prosecutor

For R3 : Mr.K.Srinivasa Raghavan

JUDGMENT

This appeal has been filed to set aside the order passed in Crl.M.P.No.2219/2022, dated 08.05.2022, on the file of the learned I Additional District and Sessions Court (PCR), Trichy, Trichy District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The case against the appellant is that on 01.05.2022, due to previous enmity between the parties, the appellant harassed the third respondent and his mother and abused them with filthy language by mentioning their caste and also threatened them with dire consequences. Therefore, the second respondent registered a case against the appellant in Cr.No.96 of 2022 for the offences under Sections 294(b) and 427 and 506(ii) IPC and Section 4 of TNPHW Act r/w 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST Act.

3.The learned counsel for the appellant would submit that no one was injured in this case and that the appellant has been falsely implicated in this case. He would further submit that the appellant is in custody from 21.05.2022 onwards.

4.The learned counsel for the de-facto complainant would submit that even after the occurrence, the appellant has been threatening the de-facto complainant and his family members and went to the extent of sending Whatsapp message to the de-facto complainant's wife by mentioning "Kanneer Anjali" and also send the photograph of the de-facto complainant's family.

5.The learned Additional Public Prosecutor would submit that no one was injured in this case and that the appellant is having one previous case under 294(b) IPC.

6.Considering the above facts and circumstances of the case and also the facts that the appellant is in judicial custody from 21.05.2022, that no one was injured in this case and that the petitioner is not having any previous case for similar or serious offence, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 08.05.2022 made in Crl.M.P.No.2219 of 2022 on the file of the learned I Additional District and Sessions Court (PCR), Trichy, Trichy District.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 08.05.2022 made in Crl.M.P.No.2219 of 2022 on the file of the learned I Additional District and Sessions Court (PCR), Trichy, Trichy District, is set aside. The appellant is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the I Additional District and Sessions Court (PCR), Trichy, Trichy District, and on further condition that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge, (Fast Track Mahila Court), Ramanathapuram may obtain a copy of their valid identity card to ensure their identity.



[b]the appellant shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court. The petitioner shall execute the sureties on showing the receipt of the said amount.

[c]the appellant shall stay at Villupuram and report before the Inspector of Police, Villupuram Town Police Station, Villupuram daily at 10:30 a.m., until further orders.

[d]the appellant shall not tamper with evidence or witness either during investigation or trial.

[e]the appellant shall co-operate with the investigation.

[f]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

Sd/-

Assistant Registrar (CS II)

// True Copy //

28/06/2022

Sub Assistant Registrar(CS)

sj1

To

- 1.The I Additional District
and Sessions Judge (PCR), Trichy, Trichy District.
- 2.The Sessions Judge, (Fast Track Mahila Court),
Ramanathapuram.
- 3.The Deputy Superintendent of Police,
Lalgudi Sub-Division,
Trichy District.

<https://hcservices.ecourts.gov.in/hcservices/>



4.The Inspector of Police,
Kollidam Police Station,
Trichy District.

5.The Inspector of Police,
Villupuram Town Police Station,
Villupuram.

6.The Superintendent of Prison,
Central Prison, Trichy.

7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

8.The Officer in Charge,
The Chief Minister Public Relief Fund,
The Govt. of Tamil Nadu, Finance (CMPRF) Department,
Secretariat, Chennai-9.

+1 CC to M/s.M. PITCHAIMUTHU, Advocate (SR-28640[F] dated
28/06/2022)

Crl. A. (MD)No.379 of 2022
28.06.2022

MGJ(28.06.2022) 4P 10C